

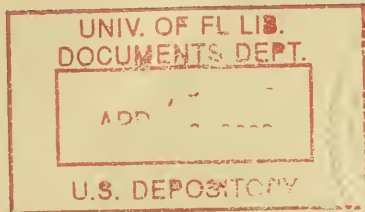
NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION

FOR THE

FIBRE AND METAL WORK
CLOTHING BUTTON
MANUFACTURING INDUSTRY

AS APPROVED ON MARCH 17, 1934



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1934

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CODE OF FAIR COMPETITION

FOR THE

**FIBRE AND METAL WORK CLOTHING BUTTON
MANUFACTURING INDUSTRY**

As Approved on March 17, 1934

ORDER

**CODE OF FAIR COMPETITION FOR THE FIBRE AND METAL WORK
CLOTHING BUTTON MANUFACTURING INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Fibre and Metal Work Clothing Button Manufacturing Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved, subject to the following provisions:

1. That the provisions of Article VII, Section (a), insofar as they prescribe a waiting period between the filing of the Code Authority and the effective date of price lists, as originally filed and/or revised price lists or revised terms and conditions of sale be and they are hereby stayed, pending my further order either within a period of sixty (60) days from the effective date or until such time as there shall be a completion of the study of open price associations now being conducted by the National Recovery Administration.

2. That the application of Article V, Section 7, of the said Code be stayed for a period of thirty (30) days from the effective date of this Code and further until such time as there shall be a hearing to

determine rules and regulations of the home work provisions contained in said Code and the determination by the Administrator thereon.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

A. D. WHITESIDE,
Division Administrator.

WASHINGTON, D.C.
March 17, 1934.

REPORT TO THE PRESIDENT

THE PRESIDENT,
The White House.

SIR: The Public Hearing on the Code of Fair Competition for the Fibre and Metal Work Clothing Button Industry as proposed by the American Fibre and Metal Work Clothing Button Manufacturers Bureau was conducted in Washington on October 12, 1933. Every person who requested an appearance was fairly heard in accordance with the regulations of the National Recovery Administration. The Code has the approval of the Industrial, Labor, and Consumers' Advisory Boards of the National Recovery Administration and of the Legal Division. The Secretary of the American Fibre and Metal Work Clothing Button Manufacturers Bureau, upon the written and telegraphic authorization of all the members of the Industry, has also indicated his approval of the final draft of the Code on behalf of the Industry.

It was attempted first by the National Recovery Administration to combine all the button industries under one Code. This proved to be impossible at the present time, but there is included in each Code a provision for the establishment of a General Button Manufacturers Coordinating Council, which at some future time will enable a joint cooperative administration of the various Codes.

The Industry, as defined in the Code, includes the manufacture of metal work-clothing "sew-on" buttons and hoof and/or horn work-clothing "sew-on" buttons. It also includes the manufacture of fibre buttons which may be used for the closing of garments or for ornamentation or other purposes.

The number of concerns engaged in the Industry increased from 4 in 1928 to 7 in 1933. The aggregate number of employees in 1928 was 223, and in 1933 was 258. The sales volume in 1928 was \$670,000. In 1933 it was \$500,000. This indicates that although the sales volume has decreased, the number of employees has increased.

The Submitting Bureau represents approximately 85% of the Industry by number of concerns, and approximately 90% by volume of business.

RÉSUMÉ OF THE CODE

Article I states the purposes of the Code.

Article II sets forth certain definitions.

Article III prescribes the maximum number of hours.

Article IV sets the minimum wage for the Industry.

Article V contains the general labor provisions.

Article VI creates the Code Authority and defines its powers and duties.

Article VII contains provisions for open price lists.

Article VIII defines certain trade practices which are unfair and which shall be eliminated.

Article IX states that this Code shall not permit monopolies.

Article X provides for the modification of this Code.

Article XI states the general policy of limitation on price increases.

Article XII sets the effective date of the Code at the tenth day after its approval.

FINDINGS

The Deputy Administrator in his final report to me on said Code having found as herein set forth and on the basis of all the proceedings in this matter;

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant group is an industrial group truly representative of the aforesaid industry; and that said group imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Code.

For these reasons the Code has been approved.

HUGH S. JOHNSON,
Administrator.

MARCH 17, 1934.

CODE OF FAIR COMPETITION FOR THE FIBRE AND METAL WORK CLOTHING BUTTON MANUFACTURING INDUSTRY

ARTICLE I—PURPOSE

To effectuate the policies of Title I of the National Industrial Recovery Act, the following provisions are established as a Code of Fair Competition for the Fibre and Metal Work Clothing Button Manufacturing Industry, and shall be the standard of fair competition for such Industry and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

1. The term "Industry" as used herein, includes the manufacture of metal work-clothing "sew-on" buttons and hoof and/or horn work-clothing "sew-on" buttons. This term shall also include the manufacture of fibre buttons which may be used for the closing of garments or for ornamentation or other purposes, and such other products as may from time to time be included under this Code by the Administrator after such notice and hearing as he may prescribe.

2. The term "employee" as used herein includes any person engaged in any phase of the Industry in any capacity, irrespective of the nature or method of payment of compensation, or his interest otherwise in said Industry.

3. The term "employer" as used herein includes anyone for whose benefit such an employee is engaged.

4. The term "member of the Industry" as used herein includes any individual, partnership, association, corporation, or other person engaged in the Industry either as an employer or on his own behalf.

5. The terms "President", "Act", and "Administrator" as used herein shall mean respectively, the President of the United States, Title I of the National Industrial Recovery Act, and the Administrator for Industrial Recovery.

ARTICLE III—HOURS OF LABOR

1. Except as hereinafter provided, no employee shall be permitted to work in excess of forty (40) hours in any one (1) week, except that for not more than sixteen (16) weeks in any one calendar year overtime may be permitted when seasonal or peak demand, or breakdown places an unusual or temporary burden upon an employer, provided that such overtime shall in no case exceed eight (8) hours in any one (1) week, and, provided further, that all such overtime shall be paid for at the rate of one and one half (1½) times the hourly rate of such employee.

2. The maximum hours fixed in the foregoing shall not apply to employees engaged in emergency maintenance or repair work, provided such employees are paid one and one half ($1\frac{1}{2}$) times the usual hourly rate for all hours in excess of forty (40).

3. The provisions of this Article shall not apply to employees engaged in research work or in an executive, managerial or supervisory capacity, and receiving more than thirty-five dollars (\$35.00) per week; nor to outside salesmen.

4. No employee engaged as a fireman or watchman shall be permitted to work more than fifty-six (56) hours in any one (1) week unless one and one half ($1\frac{1}{2}$) times the hourly rate is paid for such overtime.

5. No employer shall knowingly engage any employee for any time which, when totaled with that already performed with another employer or employers in this Industry, exceeds the maximum permitted herein.

6. Any employer who does the work of an employee shall be subject to the provisions of this Code as to hours of labor.

7. The Code Authority may provide for overtime in addition to that hereinbefore prescribed, such additional overtime to be under such conditions and upon such terms as the Administrator may approve.

ARTICLE IV—WAGES

1. Except as provided hereinafter, no male employee shall be paid less than at the rate of sixteen dollars (\$16.00) per week for a forty (40) hour week and no female employee shall be paid less than at the rate of thirteen dollars (\$13.00) per week for a forty (40) hour week.

2. The foregoing section shall not be construed as a discrimination by reason of sex. Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees.

3. Learners may be paid at not less than the rate of eighty per cent (80%) of the minimum wage contained herein provided that the number of such learners shall not exceed five per cent (5%) of the total number of employees of the employer and that learners shall not be employed as such for a period in excess of ten (10) weeks, irrespective of whether they are employed by one or more employers.

4. No accounting, clerical, office, service or sales employee shall be paid at less than the rate of fifteen dollars (\$15.00) per week for a forty (40) hour week when employed in cities of more than 500,000 population; nor less than at the rate of fourteen dollars (\$14.00) per week for a forty (40) hour week in cities or places of 500,000 population or less.

5. This Article establishes a minimum rate of pay, which shall apply regardless of whether an employee is compensated on a time rate, piece work, or other basis.

6. Equitable adjustments in pay schedules of all employees shall be made within thirty (30) days after the effective date of this Code by any employer who has not heretofore made such adjustments

under the National Industrial Recovery Act or the President's Re-employment Agreement. Within sixty (60) days after the effective date all such adjustments made under the Act or Agreement shall be reported to the Code Authority and the Administrator. In no case shall rates be reduced.

7. A person whose earning capacity is limited because of age, physical or mental handicap, or other infirmity, may be employed on light work at a wage below the minimum established by this Code if the employer obtains from the State Authority, designated by the United States Department of Labor, a certificate authorizing such person's employment at such wages and for such hours as shall be stated in the certificate. Each employer shall file monthly with the Code Authority a list of all such persons employed by him, showing the wages paid to, and the maximum hours of work for such employee.

ARTICLE V—GENERAL LABOR PROVISIONS

1. No person under sixteen (16) years of age shall be employed in the industry. No person under eighteen (18) years of age shall be employed at operations or occupations which are hazardous in nature or detrimental to health. The Code Authority shall submit to the Administrator within ninety (90) days of the effective date of this Code a list of such operations or occupations.

2. Employees shall have the right to organize and bargain collectively, through representatives of their own choosing and shall be free from the interference, restraint, or coercion of employers of labor or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

3. No employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing.

4. Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment approved or prescribed by the President.

5. No employer shall reclassify employees or duties of occupations performed or engage in any subterfuge so as to defeat the provisions of the Act or of this Code.

6. No provision of this Code shall supersede any law within any state which imposes more stringent requirements on employers as to age of employees, wages, hours of work, or as to safety, health, or sanitary regulations, or insurance, or fire protection, or general working conditions, than are imposed by this Code.

7. No homework shall be permitted by members of the Industry.¹

8. All employers shall post complete copies of Articles III, IV, and V of this Code in conspicuous places accessible to employees.

9. No provisions in this Article shall modify established practices for privileges as to vacation periods, leaves of absence, or temporary absence from work heretofore guaranteed to office employees.

¹ See paragraph 2 (2) of order approving this Code.

ARTICLE VI—ORGANIZATION, POWERS AND DUTIES OF THE CODE
AUTHORITY

ORGANIZATION AND CONSTITUTION

1. There shall forthwith be constituted a Code Authority consisting of:

(a) Five (5) representatives of the industry or such other number as may be approved from time to time by the Administrator, to be selected as hereinafter provided.

(b) Such additional members, without vote, not to exceed three, as the Administrator may appoint to represent such groups or interests or such governmental agencies and for such periods as he may designate.

2. The representatives of the Industry shall be selected in the following manner:

(a) The five (5) representatives of the Industry shall be selected by the American Fibre and Metal Work Clothing Button Manufacturers Bureau.

3. Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority shall (1) impose no inequitable restrictions on membership, and (2) submit to the Administrator true copies of its articles of association, by-laws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

4. In order that the Code Authority shall at all times be truly representative of the industry and in other respects comply with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper; and thereafter if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification in the method of selection of the Code Authority.

5. Members of the industry shall be entitled to participate in and share the benefits of the activities of the Code Authority by assenting to and complying with the requirements of this Code and sustaining their reasonable share of the expenses of its administration. Such reasonable share of the expenses of the administration shall be determined by the Code Authority, subject to review by the Administrator, on the basis of volume of business and/or such other factors as may be deemed equitable.

6. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent or employee of the Code Authority, nor shall any member of the Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own wilful misfeasance or non-feasance.

7. If the Administrator shall determine that any section of a code authority or any agency thereof may be unfair or unjust or

contrary to the public interest, the Administrator may require that such action be suspended, to afford an opportunity for investigation of the merits of such action and further consideration by such code authority or agency pending final action which shall not be effective unless the Administrator approves or unless he shall fail to disapprove after thirty days' notice to him of intention to proceed with such action in its original or modified form.

POWERS AND DUTIES

8. The Code Authority shall have the following powers and duties:

(a) To insure the execution of the provisions of this Code and to provide, subject to rules and regulations established by the Administrator, for the compliance of the industry with the provisions of the Act: Provided, however, that this shall not be construed to deprive duly authorized governmental agencies of their power to enforce the provisions of this Code or of the Act.

(b) To adopt by-laws and rules and regulations for its procedure and for the administration and enforcement of the Code.

(c) To obtain from members of the industry such information and reports as are required for the administration of the Code, and in addition to information required to be submitted to any Code Authority all or any of the persons subject to this Code shall furnish such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act, to such Federal and State agencies as the Administrator may designate; nor shall anything in any code relieve any person of existing obligations to furnish reports to government agencies. No individual reports shall be disclosed to any other member of the industry or any other party except to such governmental agencies as may be directed by the President.

(d) To use such trade associations and other agencies as it deems proper for the carrying out of any of its activities provided for herein, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code and that such trade associations and agencies shall at all times be subject to and comply with the provisions hereof.

(e) To make recommendations to the Administrator for the coordination of the administration of this Code with such other codes, if any, as may be related to the industry.

(f) To provide ways and means for financing the operations of said Code Authority and to determine an equitable method of apportioning in the Industry the cost of administering this Code. Money raised in any manner shall not exceed in amount such reasonable cost.

(g) To cooperate with the Administrator in regulating the use of any N.R.A. insignia solely by those members of the industry who have assented to, and are complying with, this Code.

(h) To recommend to the Administrator any action or measures deemed advisable, including further fair trade practice provisions to govern members of the industry in their relations with each other or with other industries, measures for industrial planning, and

stabilization of employment; and including modifications of this Code which shall become effective as part hereof upon approval by the Administrator after such notice and hearing as he may specify.

(i) To investigate competitive articles imported in the United States on such terms and under such conditions as to render ineffective or seriously endanger the maintenance of this Code and to act as the agency for making complaints to the proper governmental agency on behalf of this Industry.

(j) To coordinate the administration of this Code with such other codes as may be related to the Industry, the Code Authority may designate representatives for the purpose of meeting with like representatives designated by the Code Authorities of the related Codes referred to above. Such representatives shall be duly authorized to constitute a committee, which committee shall, as soon as practicable, submit to the Administrator such reports and recommendations with respect to:

1. The establishment and method of selection of a General Button Manufacturers Coordinating Council.

2. The jurisdiction, as well as the administrative powers and authority, to be delegated to such Coordinating Council by the Code Authorities represented.

Upon approval by the Administrator, after such hearings and notice as he shall prescribe, such recommendations of the Council, selected in the manner above provided for, the Code Authorities represented shall be subject to the jurisdiction, rules, regulations, and by-laws of the General Button Manufacturers Coordinating Council in the form and manner approved by the Administrator, any express or implied delegation of power or duty in this Code to the Code Authority notwithstanding.

(k) To cause to be formulated an accounting system and methods of cost finding and/or estimating capable of use by all members of the industry. After such system and methods have been formulated, full details concerning them shall be made available to all members. Thereafter all members shall determine and/or estimate costs in accordance with the principles of such methods.

ARTICLE VII—OPEN PRICE LISTS

Every member of the industry, who manufactures and sells any product of the industry not refabricated by himself so as to form part of another product, shall file with the secretary of the Code Authority a net price list and/or a price list and discount sheet individually prepared by him showing his current prices and/or prices and discounts (including all discounts for wholesale or for quantity freight allowances and terms of payment, and the secretary shall immediately send copies thereof to all other members of this industry.

(a) Members of the industry may change any price list and/or price list and discount sheet filed by him by filing with the secretary of the Code Authority a revised price list which shall not become effective until five days after the filing date. Copies of all

new price lists filed with the secretary with the effective date specified shall be immediately sent to all members of this industry, who thereupon may file, if they so desire, revisions of their price lists which may become effective on the same date the first revised price list which was filed shall go into effect.²

(b) No member of the industry shall make any sale or quotation of any product in this industry at a price or under terms and conditions more favorable to the purchaser thereof than the price, terms and conditions so filed by such member in accordance with the provisions of this section and in effect at the time of such sale; nor shall any member of the industry make any contract or sale of any product of the industry at a price or on terms or conditions more favorable to the purchaser thereof than the price, terms and conditions established as aforesaid and in effect at the time of the making of such contract or sale.

ARTICLE VIII—TRADE PRACTICE PROVISIONS

1. No member of the industry shall make or give to any purchaser of any product any guarantee or protection in any form against decline in the market price of such product after date of shipment.

2. No member of the industry shall insert in any invoice a false record, wholly or in part, of the transaction represented on the face thereof, nor shall any such member withhold from any invoice any record customarily inserted in an invoice for the purpose of avoiding any of the provisions of this Code.

3. No member of the industry shall ship goods on consignment, except under circumstances to be defined by the Code Authority, subject to the approval of the Administrator, where peculiar circumstances of the Industry require the practice.

4. No member of the Industry shall give, permit to be given, or offer to give anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representative of another in relation to the business of the employer of such employee, the principal of such agent of the represented body, without the knowledge of such employer, principal, or party. Commercial bribery provisions shall not be construed to prohibit a general distribution of articles commonly used for advertising, except so far as such articles are actually used for commercial bribery as hereinabove defined.

5. No member of the Industry shall brand or mark any commodity in a manner which tends to mislead or deceive purchasers with respect to the grade, quality, quantity, origin, size, material content, or preparation of such commodity.

6. No member of the Industry shall use advertising or other representation which refers inaccurately in any material particular to any competitors or their products, prices, values, credit terms, policies, or services.

7. No member of the Industry shall publish or circulate unjust or unwarranted threats of legal proceedings which tend to or have

² See paragraph 2 (1) of order approving this Code.

the effect of harrasing competitors, or intimidating any of their customers.

8. (a) No member of the Industry shall sell any article at a price below his individual cost. However, any member of the Industry may meet the price of any competing member of the Industry for products of an equal grade and quality whose cost, under this provision is lower, and may sell dropped lines or distress merchandise below such cost provided the facts of such sale are reported at once to the Code Authority. Cost for the purpose of the provision shall be determined in accordance with Section 8 (k) of Article VI of this Code.

(b) When the Code Authority determines that an emergency exists in this Industry and that the cause thereof is destructive price-cutting such as to render ineffective or seriously endanger the maintenance of the provisions of this Code, it may cause to be determined the lowest reasonable cost of the products of this Industry, such determination to be subject to such notice and hearing as the Administrator may require. The Administrator may approve, disapprove, or modify the determination. Thereafter, during the period of the emergency, it shall be an unfair trade practice for any member of the Industry to sell or offer to sell any products of the Industry for which the lowest reasonable cost has been determined at such prices or upon such terms or conditions of sale that the buyer will pay less therefor than the lowest reasonable cost of such products. When it appears that conditions have changed, the Code Authority, upon its own initiative or upon the request of any interested party, shall cause the determination to be reviewed.

9. No member of the Industry shall offer for sale any product, not covered by the provisions of this Code, at a price below cost, in order to influence the sale of products of this Industry.

ARTICLE IX—MONOPOLIES

This Code shall not be construed or applied to promote or permit monopolies or monopolistic practices or to eliminate or oppress small enterprises or to discriminate against them.

ARTICLE X—MODIFICATIONS

1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of subsection (b) of Section 10 of the National Industrial Recovery Act, from time to time to cancel or modify any order, approval, license, rule, or regulation issued under Title I of said Act and specifically, but without limitation, to the right of the President to cancel or modify his approval of this Code or any conditions imposed by him upon his approval thereof.

2. This Code, except as to provisions required by the Act, may be modified on the basis of experience or changes in circumstances, such modifications to be based upon application to the Administrator and such notice of hearing as he shall specify, and to become effective on approval by the President.

ARTICLE XI—PRICE INCREASES

Whereas the policy of the Act to increase real purchasing power will be made impossible of consumation if prices of goods and services increase as rapidly as wages, it is recognized that price increases shall be delayed. But when made such increases should, so far as possible, be limited to actual increases in the sellers costs.

ARTICLE XII—EFFECTIVE DATE

This Code shall become effective on the tenth day after its approval.

Approved Code No. 341.

Registry No. 1612-04.



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